

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-01438-TJK**

CAUSE OF ACTION INSTITUTE v. UNITED STATES
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

Assigned to: Judge Timothy J. Kelly
Cause: 05:552 Freedom of Information Act

Date Filed: 07/13/2016
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

CAUSE OF ACTION INSTITUTE

represented by **Joshua Nathaniel Schopf**
CAUSE OF ACTION INSTITUTE
1875 Eye Street, NW
Suite 800
Washington, DC 20006
(202) 499-4232
Fax: (202) 330-5842
Email: josh.schopf@causeofaction.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julie A. Smith
CAUSE OF ACTION INSTITUTE
1875 Eye Street, NW
Suite 800
Washington, DC 20006
(202) 499-4232
Fax: (202) 330-5842
Email: julie.smith@causeofaction.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alfred J. Lechner , Jr.
CAUSE OF ACTION INSTITUTE
1875 Eye Street, NW
Suite 800
Washington, DC 20006
(202) 499-4232
Fax: (202) 330-5842
Email: jlechner@causeofaction.org
TERMINATED: 11/23/2016
PRO HAC VICE

David T. Fischer
SHEPPARD MULLIN RICHTER &
HAMPTON LLP
2099 Pennsylvania Avenue, NW
Suite 100
Washington, DC 20006
(202) 747-1900
Fax: (202) 747-1901
Email: dfischer@sheppardmullin.com
TERMINATED: 11/22/2016

V.

Defendant

**UNITED STATES DEPARTMENT OF
HOUSING AND URBAN
DEVELOPMENT**

represented by **Jeremy S. Simon**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA

555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2528
 Fax: (202) 252-2599
 Email: jeremy.simon@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/13/2016	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Filing fee \$ 400 receipt number 0090-4602197) filed by CAUSE OF ACTION INSTITUTE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit)(Smith, Julie) (Entered: 07/13/2016)
07/13/2016	<u>2</u>	Corporate Disclosure Statement by CAUSE OF ACTION INSTITUTE. (Smith, Julie) (Entered: 07/13/2016)
07/13/2016	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Alfred J. Lechner, Jr., :Firm- Cause of Action Institute, :Address- 1875 Eye Street NW, Suite 800, Wash. D.C. 20006. Phone No. - 2024994232. Fax No. - 202-330-5842 Filing fee \$ 100, receipt number 0090-4602440. Fee Status: Fee Paid. by CAUSE OF ACTION INSTITUTE (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Smith, Julie) (Entered: 07/13/2016)
07/13/2016		Case Assigned to Judge John D. Bates. (dr) (Entered: 07/13/2016)
07/13/2016	<u>4</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Consent Forms)(dr) (Entered: 07/13/2016)
07/14/2016	<u>5</u>	NOTICE of Appearance by Joshua Nathaniel Schopf on behalf of CAUSE OF ACTION INSTITUTE (Schopf, Joshua) (Main Document 5 replaced on 7/15/2016) (ztd). (Entered: 07/14/2016)
07/15/2016	<u>6</u>	NOTICE of Appearance by David T. Fischer on behalf of CAUSE OF ACTION INSTITUTE (Fischer, David) (Main Document 6 replaced on 7/18/2016) (ztd). (Entered: 07/15/2016)
08/01/2016	<u>7</u>	ENTERED IN ERROR. . . CERTIFICATE OF SERVICE by CAUSE OF ACTION INSTITUTE . (Smith, Julie) Modified on 8/2/2016 (td). (Entered: 08/01/2016)
08/01/2016	<u>8</u>	ENTERED IN ERROR. . . CERTIFICATE OF SERVICE by CAUSE OF ACTION INSTITUTE . (Smith, Julie) Modified on 8/2/2016 (td). (Entered: 08/01/2016)
08/01/2016	<u>9</u>	CENTERED IN ERROR. . . CERTIFICATE OF SERVICE by CAUSE OF ACTION INSTITUTE . (Smith, Julie) Modified on 8/2/2016 (td). (Entered: 08/01/2016)
08/02/2016		NOTICE OF ERROR re <u>7</u> Certificate of Service; emailed to julie.smith@causeofaction.org, cc'd 3 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. Refile using the event under Service of Process then select Summons Returned Executed as to... (ztd,) (Entered: 08/02/2016)
08/02/2016		NOTICE OF ERROR re <u>9</u> Certificate of Service; emailed to julie.smith@causeofaction.org, cc'd 3 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. Refile using the event under Service of Process then select Summons Returned Executed as to... (ztd,) (Entered: 08/02/2016)
08/02/2016		NOTICE OF ERROR re <u>7</u> Certificate of Service; emailed to julie.smith@causeofaction.org, cc'd 3 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. Refile using the event under Service of Process then select Summons Returned Executed as to... (ztd,) (Entered: 08/02/2016)

08/03/2016	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT served on 7/18/2016 (Smith, Julie) (Entered: 08/03/2016)
08/03/2016	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 07/19/2016. (Smith, Julie) (Entered: 08/03/2016)
08/03/2016	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/25/2016. Answer due for ALL FEDERAL DEFENDANTS by 8/24/2016. (Smith, Julie) (Entered: 08/03/2016)
08/09/2016	<u>13</u>	NOTICE of Appearance by Jeremy S. Simon on behalf of UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Simon, Jeremy) (Entered: 08/09/2016)
08/10/2016	<u>14</u>	Consent MOTION for Extension of Time to <i>Answer or Otherwise Respond to Complaint</i> by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 08/10/2016)
08/10/2016		MINUTE ORDER: Upon consideration of <u>3</u> plaintiff's motion for leave to appear pro hac vice on behalf of Alfred J. Lechner, and the entire record herein, it is hereby ORDERED that the motion is GRANTED. Signed by Judge John D. Bates on 8/10/2016. (lcjdb2) (Entered: 08/10/2016)
08/10/2016		MINUTE ORDER: Upon consideration of <u>14</u> defendant's consent motion for extension of time, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that defendant shall file an answer or otherwise respond to the complaint by not later than September 21, 2016. SO ORDERED. Signed by Judge John D. Bates on 8/10/2016. (lcjdb2) (Entered: 08/10/2016)
08/11/2016		Set/Reset Deadlines: Defendant shall file an answer or otherwise respond to the complaint by 9/21/2016. (jth) (Entered: 08/11/2016)
09/21/2016	<u>15</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.(Simon, Jeremy) (Entered: 09/21/2016)
09/21/2016	<u>16</u>	ORDER directing parties to confer and to submit a proposed briefing schedule for the filing of dispositive motions by not later than October 19, 2016. See text of order for details. Signed by Judge John D. Bates on 9/21/16. (lcjdb2) (Entered: 09/21/2016)
09/22/2016		Set/Reset Deadlines: Proposed Briefing Schedule for filing dispositive motions due by 10/19/2016. (tb) (Entered: 09/22/2016)
10/19/2016	<u>17</u>	Joint STATUS REPORT <i>and Proposed Schedule</i> by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Simon, Jeremy) (Entered: 10/19/2016)
10/19/2016		MINUTE ORDER: Upon consideration of <u>17</u> the parties' joint status report and request to defer setting the briefing schedule, and the entire record herein, it is hereby ORDERED that the request is GRANTED IN PART. The Court will defer setting a briefing schedule at this time, and the parties shall submit another joint status report by not later than December 22, 2016. The Court will determine what further action is appropriate at that time. Accordingly, the parties' request to submit a status report every 90 days after December 22, 2016 is DENIED. SO ORDERED. Signed by Judge John D. Bates on 10/19/16. (lcjdb2) (Entered: 10/19/2016)
10/20/2016		Set/Reset Deadlines: Joint Status Report due by 12/22/2016. (tb) (Entered: 10/20/2016)
11/22/2016	<u>18</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to CAUSE OF ACTION INSTITUTE. Attorney David T. Fischer terminated. (Fischer, David) (Entered: 11/22/2016)
11/23/2016	<u>19</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to CAUSE OF ACTION INSTITUTE. Attorney Alfred J. Lechner, Jr terminated. (Schopf, Joshua) (Entered: 11/23/2016)

		11/23/2016)
12/22/2016	<u>20</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Simon, Jeremy) (Entered: 12/22/2016)
12/28/2016		MINUTE ORDER: Upon consideration of <u>20</u> the parties' joint status report and request to defer setting the briefing schedule, and the entire record herein, it is hereby ORDERED that the request is GRANTED. The Court will defer setting a briefing schedule at this time, and the parties shall submit another joint status report by not later than February 23, 2017. SO ORDERED. Signed by Judge John D. Bates on 12/28/16. (lcjdb2) (Entered: 12/28/2016)
12/28/2016		Set/Reset Deadlines: Joint Status Report due by 2/23/2017. (jth) (Entered: 12/28/2016)
02/23/2017	<u>21</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Simon, Jeremy) (Entered: 02/23/2017)
02/23/2017		MINUTE ORDER: Upon consideration of <u>21</u> the parties' joint status report, and the entire record herein, the Court will defer setting a briefing schedule at this time. The parties are hereby ORDERED to submit another joint status report by not later than April 25, 2017. SO ORDERED. Signed by Judge John D. Bates on 2/23/17. (lcjdb2) (Entered: 02/23/2017)
02/23/2017		Set/Reset Deadlines: Joint Status Report due by 4/25/2017. (tb) (Entered: 02/23/2017)
04/25/2017	<u>22</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Simon, Jeremy) (Entered: 04/25/2017)
04/26/2017		MINUTE ORDER: Upon consideration of <u>22</u> the parties' joint status report, and the entire record herein, the Court will continue to defer setting a briefing schedule at this time. The parties are hereby ORDERED to submit another joint status report by not later than June 28, 2017. SO ORDERED. Signed by Judge John D. Bates on 4/26/17. (lcjdb2) (Entered: 04/26/2017)
04/28/2017		Set/Reset Deadlines: Joint Status Report due by 6/28/2017. (tb) (Entered: 04/28/2017)
06/28/2017	<u>23</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Simon, Jeremy) (Entered: 06/28/2017)
06/28/2017		MINUTE ORDER: Upon consideration of <u>23</u> the parties' joint status report, and the entire record herein, the Court will continue to defer setting a briefing schedule at this time. The parties are hereby ORDERED to submit another joint status report by not later than August 29, 2017. SO ORDERED. Signed by Judge John D. Bates on 6/28/17. (lcjdb2) (Entered: 06/28/2017)
06/29/2017		Set/Reset Deadlines: Joint Status Report due by not later than 8/29/2017. (tth) (Entered: 06/29/2017)
08/29/2017	<u>24</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Simon, Jeremy) (Entered: 08/29/2017)
08/29/2017		MINUTE ORDER: Upon consideration of <u>24</u> the parties' joint status report, and the entire record herein, the Court will continue to defer setting a briefing schedule at this time. The parties are hereby ORDERED to submit another joint status report by not later than October 31, 2017. SO ORDERED. Signed by Judge John D. Bates on 08/29/2017. (lcjdb2) (Entered: 08/29/2017)
08/30/2017		Set/Reset Deadlines: Joint Status Report due by not later than 10/31/2017. (jth) (Entered: 08/30/2017)
09/19/2017		Case directly reassigned to Judge Timothy J. Kelly. Judge John D. Bates is no longer assigned to the case. (ztnr) (Entered: 09/19/2017)
10/31/2017	<u>25</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Simon, Jeremy) (Entered: 10/31/2017)
11/01/2017		MINUTE ORDER: In light of the parties' <u>25</u> joint status report, it is hereby ORDERED that the parties shall file a further joint status report by January 18, 2018. Signed by Judge Timothy J. Kelly on 11/1/2017. (lctjk2) (Entered: 11/01/2017)

01/18/2018	<u>26</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Simon, Jeremy) (Entered: 01/18/2018)
01/18/2018		MINUTE ORDER: In light of the parties' <u>26</u> joint status report, it is hereby ORDERED that the parties shall file a further joint status report by March 20, 2018. The report shall advise the Court when the parties anticipate either reaching a resolution of the action or proceeding to file dispositive motions. Signed by Judge Timothy J. Kelly on 1/18/2018. (lctjk2) (Entered: 01/18/2018)
03/20/2018	<u>27</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Simon, Jeremy) (Entered: 03/20/2018)
03/23/2018		MINUTE ORDER: In light of the parties' most recent <u>27</u> joint status report, the Court hereby ORDERS that the parties shall continue to file joint status reports every two months, beginning on May 16, 2018, until the Court orders otherwise. Signed by Judge Timothy J. Kelly on 3/23/2018. (lctjk2) (Entered: 03/23/2018)
03/26/2018		Set/Reset Deadlines: Joint Status Report due by 5/16/2018. (kh) (Entered: 03/26/2018)
05/16/2018	<u>28</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Simon, Jeremy) (Entered: 05/16/2018)
07/16/2018	<u>29</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Simon, Jeremy) (Entered: 07/16/2018)
09/14/2018	<u>30</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Simon, Jeremy) (Entered: 09/14/2018)
11/13/2018	<u>31</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Simon, Jeremy) (Entered: 11/13/2018)
01/16/2019	<u>32</u>	Unopposed MOTION to Stay , Unopposed MOTION for Extension of Time to <i>All Deadlines</i> by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Attachments: # <u>1</u> Text of Proposed Order)(Pfaffenroth, Peter) (Entered: 01/16/2019)
01/17/2019		MINUTE ORDER: It is hereby ORDERED that the deadline for the parties to submit their next joint status report is EXTENDED to February 18, 2019. The parties shall continue to file joint status reports every two months thereafter until the Court orders otherwise. Signed by Judge Timothy J. Kelly on 1/17/2019. (lctjk3) (Entered: 01/17/2019)